

**MINUTES OF THE REGULAR MEETING OF THE  
UPLAND CITY COUNCIL  
December 12, 2016**

**OPENING**

The regular meeting of the Upland City Council was called to order by Mayor Ray Musser at 6:00 p.m. in the Council Chamber of the Upland City Hall.

**1. ROLL CALL**

Present: Mayor Ray Musser, Councilmembers Glenn Bozar, Gino Filippi, Debbie Stone, Carol Timm

Staff: Interim City Manager Martin Thouvenell, City Attorney Richard L. Adams II, and Deputy City Manager Jeannette Vagnozzi

**2. ADDITIONS/DELETIONS TO AGENDA** None

**3. ORAL COMMUNICATIONS** None

**4. CLOSED SESSION**

At 6:01 p.m. Mayor Musser announced the City Council would recess to Closed Session pursuant to Government Code Section

A. 54956.9 - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Initiation of litigation pursuant to subdivision (d) (4) Section 54956.9: 1 case

At 6:30 p.m. the Council recessed to Tree Lighting Ceremony in Civic Center Courtyard

The City Council reconvened in open session at 7:00 p.m.

**5. INVOCATION** Pastor Pike, Grace Lutheran Church

**6. PLEDGE OF ALLEGIANCE** Boy Scout Troop 614

**7. PRESENTATIONS**

Certificates of adjournment were presented to the family of Lawrence "Larry" Lovelady and Donald Edward Maroney.

The Council welcomed Dr. Daniel R. Wilson, MD, PhD, Western University of Health Sciences.

**CERTIFICATION OF GENERAL MUNICIPAL ELECTION RESULTS - NOVEMBER 8, 2016**

Motion by Councilmember Timm to adopt Resolution No. 6374 reciting the fact of the General Municipal Election held on November 8, 2016, declaring the results and such other matters as provided by law, seconded by Councilmember Bozar, and carried unanimously.

**ADMINISTRATION OF OATH OF OFFICE:**

City Clerk Vagnozzi administered the Oath of Office to newly elected Mayor Debbie Stone, newly elected Councilmember Janice Elliott and newly elected City Treasurer Larry Kinley.

REMARKS FROM NEWLY ELECTED OFFICIALS

Comments were made by newly-elected Treasurer Kinley, Councilmember Elliott and Mayor Stone

RECOGNITION OF CITY TREASURER DAN MORGAN AND COUNCILMEMBER GLENN BOZAR

Presentations were made by Mayor Stone and Supervisor Hagman honoring City Treasurer Dan Morgan and Councilmember Glenn Bozar for their years of dedicated and loyal service to the City of Upland.

RECOGNITION OF MAYOR RAY MUSSER

Presentations were made by Mayor Stone, Tom Thomas of the Upland Community Foundation and Supervisor Hagman honoring Mayor Ray Musser for his 18 years of dedicated and loyal service to the City of Upland.

At 7:47 p.m. Mayor Stone called a recess and the City Council reconvened in open session at 8:18 p.m.

ROLL CALL OF NEW COUNCIL

Present: Mayor Debbie Stone, Councilmembers, Gino Filippi, Janice Elliott, Carol Timm

**8. CITY ATTORNEY**

City Attorney Adams announced there was nothing to report from Closed Session.

**9. ORAL COMMUNICATIONS**

William Seals, Upland spoke in support of limiting the sale of butane.

Linda Russell, Upland spoke in opposition of a special election and supported the appointment of Sid Robinson to the vacant City Council seat.

Alan Kaitz, Upland spoke in support of appointing someone to the vacant City Council seat and avoiding the cost of a special election.

Steve Bierbaum, Upland spoke against legalizing the sale of marijuana in the City and felt that some signatures on the referendum were invalid.

Ralph Cavalho, Upland urged the City Council to appoint Sid Robinson to the vacant City Council Seat.

**10. COUNCIL COMMUNICATIONS**

Councilmembers announced various activities they attended throughout the community.

**11. CONSENT CALENDAR**

Councilmember Timm removed Consent Calendar Items 11E and 11F for separate action. Motion by Councilmember Filippi to approve the remainder of the Consent Calendar, seconded by Councilmember Elliott, and carried unanimously.

A. APPROVAL OF WARRANT AND PAYROLL REGISTERS

Approved Warrant Register dated November 16, 2016 in the amount of \$862,937.10 and Payroll Registers dated November 23, 2016 in the amount of \$628,724.28; and December 8, 2016 in the amount of \$789,305.31

B. APPROVAL OF MINUTES

Approved the Regular Meeting Minutes of November 28, 2016

C. SCHEDULED VACANCIES FOR COMMISSIONS, COMMITTEES, BOARDS AND AUTHORITIES FOR CALENDAR YEAR 2017

Accepted and filed the list of scheduled vacancies for all City Commissions, Committees, Boards and Authorities for Calendar Year 2017, and directed the City Clerk to post the vacancies

D. OFFICE OF TRAFFIC SAFETY GRANT (PT17134)

Accepted the grant funds and authorized the appropriation of \$128,000 (Grant #PT17134)

G. EMERGENCY PURCHASE AND INSTALLATION OF EQUIPMENT AND PROFESSIONAL SERVICES FOR WATER SYSTEM IMPROVEMENTS

Received and filed the status update.

H. SEWER REIMBURSEMENT AGREEMENT WITH SC BALDY VIEW DEVELOPMENT COMPANY

Authorized the Mayor to execute the sewer reimbursement agreement with SC Baldy View Development Company.

ITEMS REMOVED FOR SEPARATE ACTION

E. APPROVAL OF LEASE FOR PACIFIC WINE MERCHANTS LOCATED AT 210 E. "A" STREET, UPLAND, CA

Development Services Director Zwack answered questions from the Council regarding lease terms, maintenance of the building and the tenant.

Motion by Councilmember Timm to approve the Fully Restated and Amended Lease Agreement for Pacific Wine Merchants, (dba PWMCE, LLC) and instructed the City Manager to execute the associated Lease document, seconded by Councilmember Filippi, and carried unanimously.

- F. APPROVAL OF SPACE LEASE FOR SWEET OBSESSION CHEESECAKES LOCATED AT 220 E. "A" STREET, UPLAND, CA

Development Services Director Zwack answered questions from the Council regarding lease terms, preservation of historic features of the building and the Memorandum of Understanding with SANBAG regarding shared rents of the properties.

Councilmember Timm moved to approve the proposed Lease Agreement for Sweet Obsession Cheesecakes and authorized the City Manager to execute all documents necessary to that effect, seconded by Councilmember Filippi, and carried unanimously.

**12. PUBLIC HEARINGS** None

**13. COUNCIL COMMITTEE REPORTS** None

**14. BUSINESS ITEMS**

- A. ORDINANCE OF THE CITY COUNCIL ADDING CHAPTER 9.56 TO TITLE 9 OF THE UPLAND MUNICIPAL CODE, REGULATING THE SALE OF BUTANE

Police Chief Johnson presented the staff report, which is on file in the City Clerk's office.

There was discussion on allowable uses of butane, restrictions, dangers of misuse and the effect this ordinance will have on businesses selling butane.

Motion by Councilmember Timm to hold first reading by title only, waive further reading, and introduce Ordinance No. 1916 adding Chapter 9.56 to Title 9 of the Upland Municipal Code, regulating the sale of butane, seconded by Councilmember Filippi, and carried unanimously.

- B. AMEND THE COMPENSATION PLAN FOR PART-TIME EMPLOYEES

Human Resources Manager Bragg presented the staff report, which is on file in the City Clerk's Office.

Motion by Councilmember Timm to adopt Resolution No. 6375, amending the Compensation Plan for Part-Time Employees to comply with California Minimum Wage Law, seconded by Councilmember Elliott, and carried unanimously.

**9. ORAL COMMUNICATIONS (continued)**

Tom Mitchell, Upland spoke in support of appointing Glenn Bozar to the vacant Council seat.

Christy Mac, Upland recommended that the Council appoint Sid Robinson to the vacant seat and avoid a special election.

John Ickis, Upland encouraged the Council to vote for a special election to fill the vacant Council seat in order for all residents to have the opportunity to participate.

**14. BUSINESS ITEMS (continued)**

C. ACTION TO FILL CITY COUNCIL VACANCY

Deputy City Manager Vagnozzi presented the staff report, which is on file in the City Clerk's office.

There was discussion on the timeframe and cost for a special election and the remaining length of term for the vacant seat.

Motion by Councilmember Filippi to appoint Sid Robinson to the vacant Council seat for the remainder of the term, seconded by Councilmember Elliott, and carried unanimously.

D. ROTATION OF MAYOR PRO TEM

Deputy City Manager Vagnozzi presented the staff report, which is on file in the City Clerk's office.

Motion by Councilmember Filippi to adopt Resolution No. 6376 establishing procedures for selecting a Mayor Pro Tem pursuant to the provisions of California Government Code Section 36801, seconded by Councilmember Timm, and carried unanimously.

**9. ORAL COMMUNICATIONS (continued)**

Dave Stevens, Upland supported the annexation of fire services to the County and also asked the Council to put together an ad-hoc committee to work out issues between the Historic Downtown Upland board and merchants.

Kenyon Callahan received a ticket from an Upland Police Officer and felt the Officer was disrespectful and the ticket was unwarranted.

Brent Fuller, Upland spoke in opposition of annexing fire services to the County and asked Council to reconsider the issue.

Linda Trawnik, Upland spoke in opposition of the PBIA tax assessed to businesses in the downtown and asked that it be dissolved and the existing funds be spent or refunded.

Daniel Luevanos, One Legacy Ambassador spoke in support of organ donation and invited Upland Civic Leaders to their Rose Parade Float event on December 30th.

Dede Ramella, Upland was concerned about illegal marijuana dispensaries operating in the City and wanted to know what was being done to close them down.

**15. CITY MANAGER**

Interim City Manager, Thouvenell announced that the Water Facilities Authority would be shut down from December 18, 2016 through March 31, 2017 for major repairs and asked that residents conserve water during this time.

Mayor Stone asked staff to review the policy for cancelling the second City Council meeting in August and December and place it on a future agenda for discussion, Councilmember Filippi seconded the request.

**16. ADJOURNMENT**

At 9:52 p.m. Mayor Stone adjourned in memory of Lawrence 'Larry' Lovelady and Donald Edward Maroney. The next regularly scheduled City Council meeting is Monday, January 9, 2017.

**SUBMITTED BY**

  
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Jeannette Vagnozzi, City Clerk

**APPROVED**

January 9, 2017  
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